

REMARKS

This is a full and timely response to the outstanding final Office action of September 12, 2005 (Paper No./Date 20050901). The remaining claims are pending in the present Application. Reconsideration and allowance of the Application and presently pending claims are respectfully requested. Applicant should not be presumed to agree with any statements made by the Examiner in the Office Action unless otherwise specifically indicated by Applicant.

I. Claim Objections

Claims 1, 7, and 17 stand rejected for using the phraseology "nail-gun-like device." Claim 25 is objected to for having insufficient antecedent basis for "the nail gun" (line 2, as independent claim 17 requires a "nail-gun-like device." Claims 1, 5, 8, 10, and 17 stand rejected for having insufficient antecedent basis the "the thread," "the mid-section", and "the beginning". Claims 3, 15, and 24 stand rejected because the word "unthread" should be --unthreaded--. Claims 1, and 10 stand rejected for having insufficient antecedent basis for "the base". Claims 1 and 10 stand rejected for appearing to introduce new matter with the limitation "the beginning of the thread are abutted at the base of the point section". Applicant has amended the claims and requests that the objection be withdrawn.

II. Claim Rejections under 35 U.S.C. §112

Claims 3, 15, and 24 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point and out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended the claims and requests that the rejection be withdrawn.

III. Claim Rejections under 35 U.S.C. §103

Claims 1-18 and 21-26 stand rejected under 35 U.S.C. §103(a) as allegedly being inpatentable over U.S. Patent No. 4,575,720 to *Rockenfeller* in view of U.S. Patent No. 6,302,631 to *Takasaki, et al.* and U.S. Patent No. 5,149,237 to *Gabriel, et al.* In order for a claim to be properly rejected under 35 U.S.C. §103, the teachings of the prior art reference must suggest all features of the claimed invention to one of ordinary skill in the art. *See, e.g., In re Dow Chemical,*

837 F.2d 469, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 642 F.2d 413, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981).

Claims 1-18 and 21-26 (~~as they are understood~~) stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2001/0051080A1 to *Godsted, et al.* in view of any one of U.S. Patent No. 6,698,987 to *Dicke*, US. Patent No. 6,394,725 to *Dicke*, and U.S. Patent No. 4,655,661 to *Brandt*.

The cited art does not disclose, teach or suggest the each and every feature of the claims. Therefore, Applicant respectfully requests that the rejected claims be allowed.

Claim 1, as amended, recites:

A screw and nail-gun device combination comprising:
a screw that includes,
a point section that has a point shaped in a four-sided pyramid with a tip angle of approximately 35-37°;
a thread section being coupled to the point section, the thread section having threads of continuous outer diameter along the thread section, the threads having a beginning thread adjacent to said point section, the thread having a thread angle of approximately 60-63°; and
a head section being coupled to the thread section, the head section having a frustoconical head, the head having at least one nib on the side of the head; and
a nail-gun device that has a operating pressure of greater than 70 psi, the nail-gun device having a load mechanism that receives the screw and operating at greater than 70 psi to drive the screw into a workpiece parallel to the direction of the force exerted by the nail-gun device such that the head of the screw is embedded into the workpiece;
wherein the frustoconical head and the at least one nib on the side of the head enable the screw to withstand the operating pressure of the nail-gun device.

Claim 8, as amended, recites:

A screw and nail-gun device combination comprising:
a screw that includes,
a point section;
a thread section coupled to the point section, the thread section having threads of continuous outer diameter along the thread section, the threads having a beginning thread adjacent to said point section; and

a head section coupled to the thread section, the head section having a frustoconical head, the head having at least one nib on the side of the head; and
a nail-gun device that has a operating pressure of at least 70 psi, the nail-gun device having a load mechanism that receives the screw and operating at greater than 70 psi to drive the screw into a workpiece parallel to the direction of the force exerted by the nail-gun device such that the head of the screw is embedded into the workpiece.

Claim 17, as amended, recites:

A screw and nail-gun device combination comprising:
a screw that includes,
a point section having a point with a tip angle of approximately 35-37°;
a thread section coupled to the point section, the thread section having threads of continuous outer diameter along the thread section, said threads having a beginning thread adjacent to said point section, the thread section having threads with a thread angle of approximately 60-63°; and
a head section coupled to the thread section, the head section being capable of withstanding the operating pressure of the nail-gun device; and
a nail-gun device that has a operating pressure of at least 70 psi, the nail-gun device having a load mechanism that receives the screw and operating at greater 70 psi to drive the screw into a workpiece parallel to the direction of the force exerted by the nail-gun device such that the head of the screw is embedded into the workpiece.

Applicant respectfully submits that the cited references of record do not disclose, teach, or suggest each and every feature of the claims. Therefore, Applicant respectfully requests that the rejection to claims 1, 8, and 17 be withdrawn.

D. Dependent Claims


Because independent claims 1, 8, and 17 are allowable over the cited references of record, dependent claims 2-7, 9, 11-15, 18, 21-24, and 26 are allowable as a matter of law for at least the reason that dependent claims 2-7, 9, 11-15, 18, 21-24, and 26 contain all features and elements of their respective independent base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Accordingly, Applicant respectfully requests that the rejection to dependent claims 2-7, 9, 11-15, 18, 21-24, and 26 be withdrawn for at least this reason, among others.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all rejections have been traversed and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present Application and pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephone conference would expedite the examination of this matter, the Examiner is invited to contact the undersigned agent at (770) 933-9500.

Respectfully submitted,


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